



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/765,441 | 01/27/2004 | Wai-Man Ng | 1155 | 1521 |
| 7590 | 02/10/2005 | | EXAMINER | |
| Donald J. Ersler 725 Garvens Avenue Brookfield, WI 53005 | | | WONG, STEVEN B | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3711 | |

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|-----------------------------|--|
| Office Action Summary | Application No. 10/765,441 | Applicant(s) NG, WAI-MAN | |
| | Examiner Steven Wong | Art Unit 3711 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>02-10-04</u> . | 6) <input type="checkbox"/> Other: ____ |

Art Unit: 3711

Claim Objections

1. Claim 22 is objected to because of the following informalities: claim 22 ends with a semi-colon instead of a period. Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5, 6, 8-10, 13, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shishido (4,595,200) in view of Potrzuski et al. (3,935,669). Regarding claims 1 and 9, Shishido discloses an inflatable ball comprising a receptacle (4) housing a power source and a sound emitting circuit (7, 8, 9) using an impact sensor (10) to activate the sound upon an impact. To provide additional receptacles in the ball of Shishido represents an obvious duplication of parts and their associated functions.

Potrzuski discloses that it is well known in the art of electrical balls to provide multiple sensors placed along different axes. It would have been obvious to one of ordinary skill in the art to provide additional receptacles in the ball of Shishido in order to provide more sound emitting circuits for increasing the sound of the ball.

Regarding claims 2 and 10, impact sensor (10) is a shock sensor.

Regarding claims 5 and 13, Shishido includes an air nozzle (2).

Regarding claims 6 and 14, Shishido includes a battery.

Art Unit: 3711

Regarding claims 8 and 16, Shishido teaches providing the valve opposite the receptacle in order to maintain the balance of the ball. It would have been obvious to one of ordinary skill in the art to provide additional receptacles in the ball construction of Shishido that are opposite one another in order to increase the sound of the ball and also maintain its balance.

3. Claims 3, 11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shishido (4,595,200) in view of Potrzuski et al. (3,935,669) and Connelly (5,236,383). Connelly discloses a toy ball including a receptacle having a circuit board (22) that illuminates an LED (32) and operates a speaker (24) in response to ball impacts. It would have been obvious to one of ordinary skill in the art to provide the ball of Shishido with illuminating means in order to have the ball also light up in response to ball impacts.

4. Claims 4, 7, 12, 15, 17, 18 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shishido (4,595,200) in view of Potrzuski et al. (3,935,669) and Wang (5,609,411). Regarding claims 4, 7, 12, 15, 17 and 20, Shishido lacks the teaching for providing a removable cap and a removable battery. Wang reveals an inflatable toy ball including a receptacle (21) and a removable cap (40). Note column 3, lines 60-65 of Wang stating that the cap may be removed to permit access to the receptacle to replace or repair the electrical components. It would have been obvious to one of ordinary skill in the art to provide the ball of Shishido as modified by Potrzuski with a removable cap in order to permit the user to remove or replace any damaged components including the battery.

Regarding claims 18, 21 and 22, note the rejections of claims 2, 5 and 8, respectively.

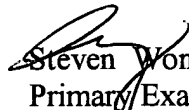
Art Unit: 3711

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wong whose telephone number is 571-272-4416. The examiner can normally be reached on Monday through Friday 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Steven Wong
Primary Examiner
Art Unit 3711

SBW
February 7, 2005